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NOS. 86-1380 and 86-1424

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1986

ARKANSAS PUBLIC SERVICE COMMISSION, ET AL.,
Petitioners

VERSUS

FEDERAL ENERGY REGULATORY COMMISSION,
Respondent

ARKANSAS POWER & LIGHT COMPANY,
Petitioner

VERSUS

FEDERAL ENERGY REGULATORY COMMISSION, ET AL.
Respondents

On Petitions For A Writ Of
Certiorari To The United States
Court of Appeals For The
District of Columbia Circuit

SUPPLEMENTAL RESPONSE OF THE LOUISIANA PUBLIC SERVICE COMMISSION AND THE STATE OF LOUISIANA TO PETITIONS FOR WRIT OF CERTIORARI

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On March 18, 1987, the Louisiana Public Service Commission ("the Louisiana Commission")

and the State of Louisiana (collectively, "Louisiana") filed a Preliminary Response to Petitions for a Writ of Certiorari in these dockets. In that response Louisiana requested that this Court defer consideration of the Petitions and hold them in abeyance, until final action on three petitions for rehearing pending before the United States Court of Appeals for the District of Columbia Circuit, in the case giving rise to the Petitions.

On April 3, 1987, the District of Columbia Circuit ordered the case below, Mississippi Industries v. Federal Energy Regulatory Commission, No. 85-611, to be reheard by the Court sitting en banc, limited to those parts of Section III(C)(2) of the Opinion of January 6, 1987 which address the two issues raised in the dissenting opinion, specifically, pages 76 to the end of the first paragraph on page 80, and the judgment of the same date insofar as it concerns those issues.

Rule 20.4 of the Supreme Court's Rules provides that where rehearing is granted, the time for filing a petition for a writ of certiorari "runs from the date of . . . the entry of a subsequent judgment entered on the rehearing." By the operation of this rule, which is intended to avoid piecemeal presentation of issues, this Court should defer consideration of the pending petitions for writ of certiorari until a subsequent judgment on the rehearing is entered by the District of Columbia Circuit.

Therefore, Louisiana requests that consideration of the pending petitions for writ of certiorari be further deferred until the Court of Appeals for the District of Columbia Circuit enters a decision en banc and requests that the time for Louisiana to respond to the petitions be extended to 30 days from the entry of the District

of Columbia Circuit's en banc decision, or such other time as is deemed appropriate by the Court.

Respectfully submitted,

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